

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

THOMAS ANTHONY BYARS,)	
)	
Plaintiff,)	
)	Civil Action No.: 6:05-3111-TLW-WMC
v.)	
)	
JO ANNE B. BARNHART,)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	
)	

ORDER

On November 3, 2005, the *pro se* plaintiff, Thomas Anthony Byars, filed a complaint against the defendant, Jo Anne B. Barnhart, the Commissioner of Social Security, pursuant to Sections 205(g) of the Social Security Act, as amended (42 U.S.C. §405 (g)) seeking judicial review of the final decision of the Commissioner wherein he was denied disability insurance benefits under Title II of the Social Security Act. This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge William M. Catoe to whom this case had previously been assigned. In the Report, Magistrate Judge Catoe recommends that the “Commissioner’s decision be reversed under sentence four of 42 U.S.C. §405(g),” with a “remand” of the case to the “administrative law judge for an assessment of the plaintiff’s subjective symptoms.” (Doc. #13). The defendant filed no objections to the Report. Objections were due March 5, 2007.

This Court is charged with conducting a de novo review of any portion of the Magistrate

Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #13) and the Commissioner's decision is hereby reversed and remanded to the administrative law judge for an assessment of the plaintiff's subjective symptoms in accordance with the case law discussed in the Report and Recommendation.

IT IS SO ORDERED.

s/Terry L. Wooten

Terry L. Wooten
United States District Judge

September 19, 2007
Florence, South Carolina